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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4299

AN ORDINANCE reclassifying the property located at 900 - 124th Avenue NE, on the northeast corner of NE 8th and 124th Avenue NE in the City of Bellevue, known as the Washington Court Retirement Center, by amending conditions of an existing Concomitant Zoning Agreement upon application of LKL Properties.

WHEREAS, Merle Christensen, on behalf of LKL Properties, a Washington limited partnership, filed an application for reclassification of property located at 900 - 124th Avenue NE, on the northeast corner of NE 8th Street and 124th Avenue NE, currently known as the Washington Court Retirement Center; and

WHEREAS, said application requested that certain conditions of the existing Concomitant Zoning Agreement required pursuant to Ordinance No. 2288 be removed or modified to allow additional units and parking spaces to be added to the existing retirement center; and

WHEREAS, on March 7, 1991, a public hearing was held on the application before the Hearing Examiner Pro Tempore for the City of Bellevue upon proper notice to all interested parties; and

WHEREAS, on March 29, 1991, the Hearing Examiner Pro Tempore recommended to the City Council approval in part and denial in part of said application; and made and entered Findings of Fact and Conclusions based thereon in support of his Recommendations; and

WHEREAS, on April 11, 1991, the Planning Department requested certain corrections to the Hearing Examiner's Recommendation dated March 29, 1991; and

WHEREAS, on April 17, 1991, the Hearing Examiner Pro Tempore issued an Order clarifying his previous Recommendation; and

WHEREAS, at its May 20, 1991, regular meeting, the City Council upon request by the applicant and city staff, remanded this matter to the Hearing Examiner Pro Tempore for clarification of the affordable housing requirement; and

WHEREAS, on July 18, 1991, the public hearing before the Hearing Examiner Pro Tempore was reconvened to receive additional evidence and argument on the affordable housing requirement; and

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WHEREAS, on September 18, 1991, the Hearing Examiner Pro Tempore issued a Supplemental Decision; and

WHEREAS, at its regular meeting on November 12, 1991, the Council addressed clarification of the affordable housing condition recommended by the Hearing Examiner Pro Tempore and as a result modified, Condition 1. of the Hearing Examiner's Recommendation and;

WHEREAS, the City Council concurs in the Findings of Fact and Conclusions of the Hearing Examiner Pro Tempore, as modified and has determined that the public use and interest will be served by denying in part and approving in part the reclassification of said property by modifying the conditions of the existing concomitant zoning agreement required pursuant to Ordinance No. 2288; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the Findings of Fact and Conclusions based thereon, made and entered by the Hearing Examiner Pro Tempore in support of his Recommendation to the City Council of March 29, 1991, as amended by the Order of the Hearing Examiner Pro Tempore issued on April 17, 1991, approving in part and denying in part the reclassification request with regard to the hereinafter described property, as set forth in "Findings, Conclusions and Decision of the Hearing Examiner Pro Tempore for the City of Bellevue in the Matter of the Application of: LKL Properties/Merle Christensen for Reclassification to Remove Conditions of a Concomitant Zoning Agreement, File No. REZ-90-1790"; provided, that Condition No. 1. as recommended by the Hearing Examiner Pro Tempore is hereby modified to read as follows:

1. At least twenty-five percent (25%) of the total number of housing units buildable as a result of the increase in density from the current existing number of units (114) to the total number of approved units must be sold or leased as "affordable housing" as defined in BCC 20.50.010. The units shall remain "affordable" units for the lifetime of the R-20 zoning classification and shall be dispersed across the range of unit sizes. Any demolition and construction or reconstruction of existing housing units shall be subject to the provisions of the Land Use Code and state statute then in effect.

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Section 2. The City Council does not adopt the Findings and Conclusions based thereon made and entered by the Hearing Examiner Pro Tempore in support of his Recommendations in his Supplemental Decision of September 18, 1991 and hereby rejects said Recommendations.

Section 3. The following described property is hereby reclassified by amending conditions A and G of that certain Concomitant Zoning Agreement required pursuant to Ordinance No. 2288 and given Clerk's Receiving No. 3632; such amendments are as specifically set forth in the Amended Concomitant Zoning Agreement required herein:

That portion of the Southwest quarter of the Southeast quarter of Section 28, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Southwest corner of said subdivision; thence Northerly along the West line thereof to the center line of NE 10th Place (Otto Phetteplace Road); thence Southeasterly along said center line to the South line of the Southeast quarter of said Section 28; thence Westerly along said South line to the Point of Beginning.

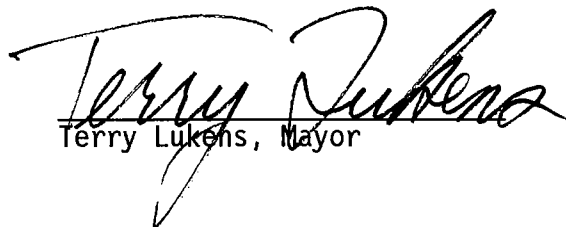
This reclassification by amendment of the existing concomitant zoning agreement is conditioned on full compliance by the owner(s) of said property and its heirs, assigns, grantees, or successors in interest, with the terms and conditions of that certain Amended Concomitant Zoning Agreement executed by LKL Properties, a Washington limited partnership, which has been given Clerk's Receiving No. 17069 and which is adopted by reference into this ordinance as if it were fully set forth herein.

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Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

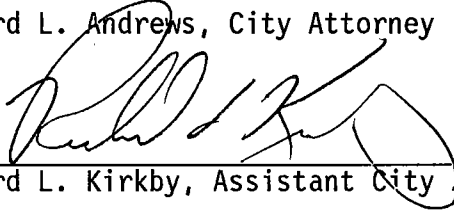
PASSED by the City Council this 12th day of November, 1991 and signed in authentication of its passage this 12th day of November, 1991.

(SEAL)

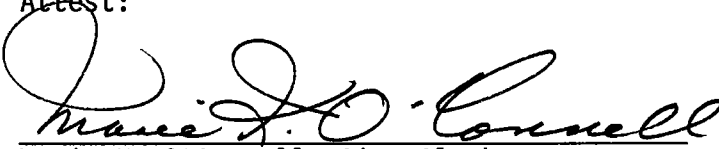

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published November 18, 1991